

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOHNNY EVANS MARKS, as administrator of
the estate of TROY EVANS MARKS, deceased,

Plaintiff,

v.

PHILADELPHIA INDUSTRIAL
CORRECTIONAL CENTER,

Defendant.

CIVIL ACTION

No. 14-5168

ORDER

AND NOW, this 15th day of October, 2014, upon consideration of Defendant Philadelphia Industrial Correctional Center’s Partial Motion to Dismiss Plaintiff’s Complaint Pursuant to Federal Rule of Civil Procedure 12(b)(6) for Failure to State a Claim (Doc. No. 2), and Plaintiff’s Response in Opposition to Defendant’s Rule 12(b)(6) Partial Motion to Dismiss (Doc. No. 3), it is hereby **ORDERED** that the Partial Motion to Dismiss is **GRANTED**. **IT IS ORDERED** that Counts II, III, IV and V of the Complaint are **DISMISSED**.

IT IS FURTHER ORDERED that Philadelphia Industrial Correctional Center is **DISMISSED**, and the City of Philadelphia is substituted in its place as the Defendant. The caption of this case shall reflect that the City of Philadelphia is the sole Defendant in this matter.

BY THE COURT:

/s/ Robert F. Kelly
ROBERT F. KELLY
SENIOR JUDGE